



U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-08379

Environmental Enforcement Section  
P.O. Box 7611  
Washington, DC 20044-7611

Telephone (202) 514-2244  
Facsimile (202) 514-0097

September 7, 2004

Stephen Rothblatt, Director  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Re: Request to Waive Clean Air Act Section 113(d) Limitation on EPA's Authority to Initiate  
Administrative Case Against Morgan Electro Ceramics, Inc. Bedford, Ohio

Dear Mr. Rothblatt:

I have reviewed EPA Region 5's request for a waiver of the twelve-month limitation on administrative cases under Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), with respect to a proposed enforcement action against M.C. Tower Industries, LLC, concerning alleged violations of the Clean Air Act and implementing regulations, including the Ohio State Implementation Plan and the NESHAP for Halogenated Solvents Cleaning, at its facility in Bedford, Ohio, as set forth in your memorandum dated August 6, 2004 and the accompanying Briefing Document. I agree that the proposed case against Morgan Electro appears appropriate for administrative action. Accordingly, pursuant to the authority re-delegated to me under Environment and Natural Resources Division Directive No. 04-1, I hereby approve the requested waiver on behalf of the Attorney General.

Sincerely,

  
William D. Brighton

Assistant Chief

Environmental Enforcement Section

cc: Susan Tenenbaum  
Associate Regional Counsel, EPA Region 5

(BY FAX: 312-886-0747)

Jeffrey Bratko  
Air Enforcement and Compliance Assurance Branch, EPA Region 5

Adam Kushner, Acting, Director  
Charles Garlow  
Air Enforcement Division  
Office of Enforcement and Compliance Assurance, EPA

RECEIVED

SEP 14 2004

AIR ENFORCEMENT BRANCH  
U.S. EPA, REGION 5